

REMARKS

In response to the Restriction Requirement, Applicants elect the invention of Group I (new claims 37 and 38, which correspond to original claims 1-3). This election is made with traverse for the reasons provided below.

Applicants respectfully request entry of the present amendment and reconsideration of the Restriction Requirement. Prior to the present amendment, claims 1-6, 8-20, 22-26, and 29-32 were pending. With this reply, claims 1-6, 8-20, 22-26, and 29-32 have been cancelled, and new claims 37-56 have been added. New claims 37 and 38, corresponding to the Group I invention, specify a peptide composition comprising *all CFP-10 peptides* listed in claim 1. New dependent claim 38 specifies that the composition of claim 37 further comprises two ESAT-6 peptides. New method claims 39-52 (corresponding to the Group II and III inventions), 53 and 54 (corresponding to the Group V invention), and 55 and 56 (corresponding to the Group VI invention) refer to the compositions of new claims 37 or 38.

Applicants submit that the unifying feature of the invention groups I-VII, as represented by new claim 37, is a *M. tuberculosis* CFP-10 peptide composition containing, as peptide reagents, the peptide pool consisting of peptides with SEQ ID NOs: 2, 4, 6, and 8.

Support for the amendments is found in the original claims and in the specification as indicated in the table below.

Claim	Support
37	Original claim 1; and page 8, lines 1-2; Table 3, pages 10-11; and Tables 4-16 of the specification
38	Original claim 2
39	Original claim 4; and Table 3, pages 10-11 of the specification
40	Original claims 6 and 7
41	Original claims 6 and 7
42	Original claim 8
43	Original claim 9
44	Original claim 10
45	Original claim 11
46	Original claim 12
47	Original claim 13
48	Original claim 14
49	Original claim 15

50	Original claim 16
51	Original claim 17
52	Original claim 18
53	Original claims 19 and 20; and Table 3, pages 10-11; page 11 (paragraph entitled “Interpretation criteria of the results”); and page 12 (third paragraph) of the specification
54	Original claim 23
55	Original claim 25; and Table 3, pages 10-11, and Tables 4-5 of the specification
56	Original claim 26

No new matter has been added by the present amendment. Applicants reserve the right to pursue any cancelled subject matter in this or a continuing application.

The Office states that the previously pending claims do not relate to a single general inventive concept under PCT Rule 13.1, as they do not contribute a special technical feature over Lalvani et al., WO 00/26248. The Office states that this publication discloses “a peptide which is 100% identical to Applicant’s SEQ ID NO: 2...” (Restriction Requirement; page 3). The Office further states that Lalvani et al., WO 04/005925 teaches “peptide epitopes from CFP-10 which are closely related to SEQ ID NO: 2 and 8 which allow one to discriminate between active and latent TB” (Restriction Requirement; page 3).

New claims 37-56 are directed to compositions containing CFP-10 peptides consisting of a pool of SEQ ID NOS: 2, 4, 6, and 8, kits containing these compositions, and methods requiring the use of these compositions. Applicants submit that the compositions of claims 37 and 38 are novel and non-obvious over the cited references, when considered alone or in combination, based on the non-obvious selection of the four CFP-10 *M. tuberculosis* peptides specified in claim 37. Therefore, Applicants respectfully request that the requirement for restriction be withdrawn.

CONCLUSION

Applicants submit that the claims are in condition for allowance, and such action is respectfully requested.

Transmitted herewith is a Petition to extend the period for replying to the Restriction Requirement for one month, to and including June 3, 2009, and payment of the required extension fee.

If there are any charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

Date: June 2, 2009

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